

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

REGINALD MCBRIDE,

Plaintiff

v.

MALYNDA LOWREY, et al.,

Defendants

Case No. 2:24-cv-01232-JAD-DJA

**ORDER**

Plaintiff Reginald McBride has applied to proceed *in forma pauperis* (“IFP”) in this action. (ECF No. 1). On December 10, 2024, the Court issued a screening order permitting two claims to proceed, dismissing some claims with leave to amend, and dismissing some claims without leave to amend. (ECF No. 5). In the screening order, the Court deferred ruling on Plaintiff’s IFP application. (*Id.* at 12). The Court granted Plaintiff until January 24, 2025, to file an amended complaint curing the deficiencies of the complaint. (*Id.* at 1, 13–14). And the Court specifically stated that if Plaintiff chose not to file an amended complaint, the action would proceed against CO Trujillo and CO Malynnda Lowrey only. (*Id.* at 13–14). Plaintiff has not filed an amended complaint. Pursuant to the screening order, this action will proceed against CO Trujillo and CO Malynnda Lowrey only.

Accordingly, IT IS HEREBY ORDERED that, pursuant to the Court’s screening order (ECF No. 5), this action will proceed against CO Trujillo and CO Malynnda Lowrey only.

IT IS FURTHER ORDERED that, given the nature of the claims that the Court has permitted to proceed, this action is stayed for 90 days to allow Plaintiff and Defendants an opportunity to settle their dispute before the Court determines whether to grant Plaintiff’s IFP application, the \$350.00 filing fee is paid, an answer is filed, or the discovery process begins. During this 90-day stay period and until the Court lifts the stay, no other pleadings or papers may be filed in this case, and the parties may not engage in any discovery, nor are the parties required to respond to any paper filed in violation of the stay

1 unless specifically ordered by the Court to do so. The Court will refer this case to the  
2 Court's Inmate Early Mediation Program, and the Court will enter a subsequent order.  
3 Regardless, on or before 90 days from the date this order is entered, the Office of the  
4 Attorney General must file the report form attached to this order regarding the results of  
5 the 90-day stay, even if a stipulation for dismissal is entered prior to the end of the 90-  
6 day stay. If the parties proceed with this action, the Court will then issue an order setting  
7 a date for Defendants to file an answer or other response. Following the filing of an  
8 answer, the Court will issue a scheduling order setting discovery and dispositive motion  
9 deadlines.

10 "Settlement" may or may not include payment of money damages. It also may or  
11 may not include an agreement to resolve Plaintiff's issues differently. A compromise  
12 agreement is one in which neither party is completely satisfied with the result, but both  
13 have given something up and both have obtained something in return.

14 IT IS FURTHER ORDERED that if the case does not settle, then the Court will  
15 determine whether to grant Plaintiff's IFP application. Plaintiff will be required to pay the  
16 full \$350.00 statutory filing fee for a civil action regardless of whether the Court grants  
17 Plaintiff's IFP application. This fee cannot be waived, and the fee cannot be refunded  
18 once the Court enters an order granting Plaintiff's application to proceed IFP. If Plaintiff  
19 is allowed to proceed IFP, the fee will be paid in installments from Plaintiff's prison trust  
20 account. See 28 U.S.C. § 1915(b). If Plaintiff is not allowed to proceed IFP, the full \$350  
21 statutory filing fee for a civil action plus the \$55 administrative filing fee, for a total of \$405,  
22 will be due immediately.

23 IT IS FURTHER ORDERED that if any party seeks to have this case excluded from  
24 the inmate mediation program, that party must file a "motion to exclude case from  
25 mediation" no later than 21 days prior to the date set for mediation. The responding party  
26 will have 7 days to file a response. No reply may be filed. Thereafter, the Court will issue  
27 an order, set the matter for hearing, or both.  
28

1 IT IS FURTHER ORDERED that if Plaintiff needs an interpreter to participate in  
2 the mediation program, Plaintiff will file a notice identifying the interpretation language  
3 and the need for the interpreter within 30 days from the date of this order.

4 IT IS FURTHER ORDERED that the Clerk of Court add the Nevada Department  
5 of Corrections to the docket as an Interested Party and electronically provide a copy of  
6 this order and copies of all items previously filed in this case by regenerating the Notices  
7 of Electronic Filing on the Office of the Attorney General of the State of Nevada by adding  
8 the Attorney General of the State of Nevada to the interested party on the docket. This  
9 does not indicate acceptance of service.

10 IT IS FURTHER ORDERED that the Attorney General's Office must advise the  
11 Court within 21 days of the date of the entry of this order whether it will enter a limited  
12 notice of appearance on behalf of Interested Party for the purpose of participation in the  
13 Early Mediation Program. No defenses or objections, including lack of service, will be  
14 waived because of the filing of the limited notice of appearance.

15 DATED: February 5, 2025

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18 DANIEL J. ALBREGTS  
19 UNITED STATES MAGISTRATE JUDGE  
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REPORT OF ATTORNEY GENERAL  
RE: RESULTS OF 90-DAY STAY

**NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL WILL FILE THIS FORM. THE INMATE PLAINTIFF MAY NOT FILE THIS FORM.**

On \_\_\_\_\_ [the date of the issuance of the screening order], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report 90 days after the date of the entry of the Court's screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

**REPORT FORM**

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

**Situation One: Mediated Case:** The case was assigned to mediation by a court-appointed mediator during the 90-day stay. [If this statement is accurate, check **ONE** of the six statements below and fill in any additional information as required, then proceed to the signature block.]

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have reached a settlement (even if paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must **SEPARATELY** file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

1 \_\_\_\_\_ No mediation session with a court-appointed mediator was held during the  
 2 90-day stay, but the parties have nevertheless settled the case. *(If this box*  
 3 *is checked, the parties are on notice that they must SEPARATELY file a*  
 4 *contemporaneous stipulation of dismissal or a motion requesting that the*  
*Court continue the stay in this case until a specified date upon which they*  
*will file a stipulation of dismissal.)*

5 \_\_\_\_\_ No mediation session with a court-appointed mediator was held during the  
 6 90-day stay, but one is currently scheduled for \_\_\_\_\_ [enter  
 date].

7 \_\_\_\_\_ No mediation session with a court-appointed mediator was held during the  
 8 90-day stay, and as of this date, no date certain has been scheduled for  
 such a session.

9 \_\_\_\_\_ None of the above five statements describes the status of this case.  
 10 Contemporaneously with the filing of this report, the Office of the Attorney  
 11 General of the State of Nevada is filing a separate document detailing the  
 status of this case.

12 **Situation Two: Informal Settlement Discussions Case:** The case was NOT assigned  
 13 to mediation with a court-appointed mediator during the 90-day stay; rather, the  
 14 parties were encouraged to engage in informal settlement negotiations. [If this  
 15 statement is accurate, check **ONE** of the four statements below and fill in any additional  
 information as required, then proceed to the signature block.]

16 \_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the  
 17 parties have reached a settlement *(even if the paperwork to memorialize*  
 18 *the settlement remains to be completed)*. *(If this box is checked, the parties*  
 19 *are on notice that they must SEPARATELY file either a contemporaneous*  
*stipulation of dismissal or a motion requesting that the Court continue the*  
*stay in this case until a specified date upon which they will file a stipulation*  
*of dismissal.)*

20 \_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the  
 21 parties have not reached a settlement. The Office of the Attorney General  
 22 therefore informs the Court of its intent to proceed with this action.

23 \_\_\_\_\_ The parties have not engaged in settlement discussions and as of this date,  
 24 the parties have not reached a settlement. The Office of the Attorney  
 General therefore informs the Court of its intent to proceed with this action.

25 \_\_\_\_\_ None of the above three statements fully describes the status of this  
 26 case. Contemporaneously with the filing of this report, the Office of the  
 27 Attorney General of the State of Nevada is filing a separate document  
 detailing the status of this case.

28 Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 \_\_\_\_\_ Email: \_\_\_\_\_